

Report), U.S. Patent No. 5,498,583 to *Le-Khac* (102)(b)) (see Column 5), U.S. Patent No. 3,427,256 to *Milgrom* (102)(b)) (see Column 12), or WO 99/19063 (102(a)) (see the Search Report). The Examiner stated:

These references are considered to anticipate the instant claims because they employ substances that can more or less be considered surfactants, namely, solid surfactants such as silica gel, polyethers, polyethylene glycol ethers or functionalized polymers. Accordingly, the claimed features of the final catalyst products produced by the references would inherently be expected to be the same as those claimed herein by Applicants since they also make the catalysts in the presence of surface-active substances.

The Examiner further alleged that obtaining a crystalline product would be obvious to a skilled artisan.

Rejection of a claim under 35 U.S.C. § 102 requires that each and every limitation of the rejected claim be found in a single reference, if even a single limitation is not found in the reference then the rejection of the claim under 35 U.S.C. § 102 is improper and must be withdrawn. Rejection of a claim under 35 U.S.C. § 103(a) based on a combination of references requires that there be found within the references a teaching or motivation for combining the references, lacking any such teaching or motivation the combination of the references is not proper. In addition, a rejection under 35 U.S.C. § 103(a) further requires that the combination of references teach each and every limitation of the rejected claim or make the limitations obvious in view of the teachings of the references. Lacking a teaching or motivation for combining the references and a combined teaching that either teaches the rejected claim or makes it obvious, rejection of a claim under 35 U.S.C. § 103(a) based on a combination of references is improper and should be withdrawn.

Claim 1 of the present application is the only independent claim. Claim 1 requires, “[a] catalyst suspension for the ring-opening polymerization of alkylene oxides”. Claim 1 requires that this catalyst suspension comprise, “at least one multimetal cyanide compound having a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound.” In addition, Claim 1 requires at least two of the following be present: an organic complexing agent; water; a polyether; or a surface-active substance.

None of the cited references teach each and every limitation of Claim 1. Thus, the rejection of Claim 1 under 35 U.S.C. § 102 based on any of the cited references is improper and should be withdrawn. Specifically, none of the cited references teach a catalyst suspension as required by Claim 1, all of the cited references teach utilization of catalyst powders. None of the cited references teach a method for producing a multimetal cyanide compound that would have a crystalline structure and a content of platelet-shaped particles of at least 30% by weight as required by Claim 1. Finally, none of the cited references taken alone teach a catalyst suspension comprising the multimetal cyanide compound, as described above, in combination with at least two of an organic complexing agent, water, a polyether, or a surface-active substance. Thus, because none of the cited references alone discloses each and every limitation of Claim 1, the rejection of Claim 1, and the claims, which depend therefrom, under 35 U.S.C. § 102 is improper and should be withdrawn.

The rejection of Claim 1, and the claims which depend therefrom, under 35 U.S.C. § 103 is improper and should be withdrawn. The cited references, taken either alone or in combination, do not teach a crystalline suspension for the polymerization of alkylene oxides as

required by Claim 1. The cited references teach utilization of a powder catalyst and not a suspension. As discussed above, none of the cited references teach a cyanide compound having a crystalline structure and a content of platelet-shaped particles of at least 30% by weight as required by Claim 1.

In the attached Declaration Under 37 C.F.R. 1.132, additional evidence is provided as to the unexpected benefit of the catalyst suspension claimed in the present application. In this Declaration, one of the Applicants made a catalyst preparation in accordance with the present application and then at the last step the formed multimetal cyanide compound was treated in one of three ways. In Example 1a, the precipitated multimetal cyanide compound was filtered and washed with water to form a wet filter cake, which was utilized as Example 1a. In Example 1b, the wet filter cake was further dispersed in propoxylated glycerine with a molecular weight of 900 to form a catalyst suspension in accordance with Claim 1 of the present invention. Finally, in Example 1c, a separate portion of the wet filter cake was vacuum dried to form a catalyst powder, similar to the method for forming the powder utilized in the cited references. Each of these catalyst preparations was then utilized in a ring-opening polymerization of the alkylene oxide propylene oxide. The time to induction clearly shows that Example 1b, the suspension prepared in accordance with Claim 1 of the present application, was the most catalytically active. It was unexpected that essentially the same catalyst would have very different catalytic activity depending on whether it was utilized as a wet filter cake, as a suspension, or in its powdered form. Applicants submit that the accompanying Declaration clearly shows unexpected results of the catalyst suspensions of the present application that are not obvious in view of the cited references taken alone or in combination. Therefore, Applicants submit that

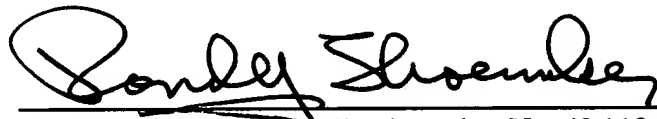
the rejection of Claim 1, and the claims which depend therefrom, under 35 U.S.C. § 103(a) based on cited references is improper and should be withdrawn.

Applicants' attorney respectfully submits that Claims 1-12 as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

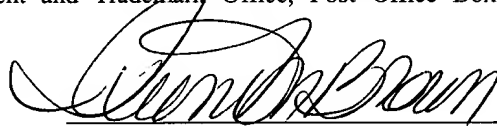
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Date



Randall L. Shoemaker, Registration No. 43,118
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0425

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Irene M. Brown